State VR agencies. Do these application requirements need to be clarified or revised in light of the changes made to the State VR Services Program by the 1992 Amendments to the Act or because these requirements may be burdensome or unfeasible for a tribal program, especially a developing one? In what ways should tribal projects be comparable to VR programs administered by State VR agencies, other than providing comparable rehabilitation services to the extent feasible as required by section 130(b)(1)(B) of the Act? Should Federal regulations establish additional comparability requirements or should tribal applicants be given the flexibility in their funding proposals to describe how their projects would or would not be comparable and the reasons therefor? The Secretary also is particularly interested in whether revisions are needed in the selection criteria for this program in § 371.30 in order to better evaluate applications for funding.

AVAILABILITY OF COPIES OF THE PROPOSED REGULATIONS: The proposed regulations can be accessed through the RSA Bulletin Board System (BBS) by calling the following access number: (202) 205–9694. If you experience any difficulty in accessing the BBS, please contact either John Chapman at (202) 205–9290 or Teresa Darter at (202) 205–8444, co-system operators (sysops), for assistance. For those individuals unable to access the BBS, copies of the proposed regulations are available in regular print, large print, and computer diskette (WordPerfect 5.1 and ASCII formats) by calling (202) 205–9544. A limited number of copies in braille are also available.

**FOR FURTHER INFORMATION CONTACT:** Persons desiring to participate in the meeting should contact Richard Corbridge, 915 Second Avenue, Room 2848, Seattle, Washington 98174–1099. Telephone (206) 220–7840. Individuals who use a telecommunications device for the deaf (TDD) may call (206) 220–7849 for TDD services. Persons seeking additional information regarding the proposed regulations should contact Barbara Sweeney, 600 Independence Avenue, S.W., Room 3225, Mary E. Switzer Building, Washington, D.C. 20203–2531. Telephone (202) 205–9544. Individuals who wish additional information and use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

(Authority: 29 U.S.C. 701)

Dated: August 10, 1995.

**Howard R. Moses,**

*Acting Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 95–20226 Filed 8–15–95; 8:45 am]

**BILLING CODE 4000–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[IL132–1–7104; FRL–5278–2]**

### Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The United States Environmental Protection Agency (USEPA) proposes to approve Illinois' request to grant an exemption for the Chicago ozone nonattainment area from the applicable oxides of nitrogen ($NO_X$) transportation conformity requirements. On June 20, 1995, Illinois submitted to the USEPA a State Implementation Plan (SIP) revision request for an exemption under section 182(b)(1) of the Clean Air Act (Act) from the conformity requirements for $NO_X$ for the Chicago ozone nonattainment area, which is classified as severe. The request is based on the urban airshed modeling (UAM) conducted for the attainment demonstration for the Lake Michigan Ozone Study (LMOS) modeling domain. The rationale for this proposed approval is set forth below; additional information is available at the address indicated below.

**DATES:** Comments on this proposed rule must be received on or before September 15, 1995.

**ADDRESSES:** Copies of the documents relevant to this action are available for inspection at the following address: (It is recommended that you telephone Patricia Morris at (312) 353–8656, before visiting the Region 5 office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Written comments shall be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

**FOR FURTHER INFORMATION CONTACT:** Patricia Morris, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604. (312) 353–8656.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Clean Air Act section 176(c)(3)(A)(iii) requires, in order to demonstrate conformity with the applicable SIP, that transportation plans and transportation improvement programs (TIPs) contribute to emissions reductions in ozone and carbon monoxide nonattainment areas during the period before control strategy SIPs are approved by USEPA. This requirement is implemented in 40 CFR 51.436 through 51.440 (and 93.122 through 93.124), which establishes the so-called ''build/no-build test.'' This test requires a demonstration that the ''Action'' scenario (representing the implementation of the proposed transportation plan/TIP) will result in lower motor vehicle emissions than the ''Baseline'' scenario (representing the implementation of the current transportation plan/TIP). In addition, the ''Action'' scenario must result in emissions lower than 1990 levels.

The November 24, 1993, final transportation conformity rule does not require the build/no-build test and less-than-1990 test for $NO_x$ as an ozone precursor in ozone nonattainment areas where the Administrator determines that additional reductions of $NO_x$ would not contribute to attainment of the National Ambient Air Quality Standard (NAAQS) for ozone. Clean Air Act section 176(c)(3)(A)(iii), which is the conformity provision requiring contributions to emission reductions before SIPs with emissions budgets can be approved, specifically references Clean Air Act section 182(b)(1). That section requires submission of State plans that, among other things, provide for specific annual reductions of volatile organic compounds (VOCs) and $NO_x$ emissions ''as necessary'' to attain the ozone standard by the applicable attainment date. Section 182(b)(1) further states that its requirements do not apply in the case of $NO_x$ for those ozone nonattainment areas for which USEPA determines that additional reductions of $NO_x$ would not contribute to ozone attainment.

For ozone nonattainment areas, the process for submitting waiver requests and the criteria used to evaluate them are explained in the December 1993 USEPA document ''Guidelines for Determining the Applicability of Nitrogen Oxides Requirements Under Section 182(f),'' and the May 27, 1994, and February 8, 1995, memoranda from

John S. Seitz, Director of the Office of Air Quality Planning and Standards, to Regional Air Division Directors, titled ''Section 182(f) $NO_x$ Exemptions—Revised Process and Criteria.''

On July 13, 1994, the States of Illinois, Indiana, Michigan, and Wisconsin (the States) submitted to the USEPA a petition for an exemption from the requirements of section 182(f) of the Clean Air Act (Act). The States, acting through the Lake Michigan Air Directors Consortium (LADCo), petitioned for an exemption from the Reasonably Available Control Technology (RACT) and New Source Review (NSR) requirements for major stationary sources of $NO_x$. The petition also asked for an exemption from the transportation and general conformity requirements for $NO_x$ in all ozone nonattainment areas in the Region.

On March 6, 1995, the USEPA published a rulemaking proposing approval of the $NO_x$ exemption petition for the RACT, NSR and transportation and general conformity requirements. A number of comments were received on the proposal. Several commenters argued that $NO_x$ exemptions are provided for in two separate parts of the Act, in sections 182(b)(1) and 182(f), but that the Act's transportation conformity provisions in section 176(c)(3) explicitly reference section 182(b)(1). In April 1995, the USEPA entered into an agreement to change the procedural mechanism through which a $NO_x$ exemption from transportation conformity would be granted (*EDF et al.* v. *USEPA*, No. 94–1044, U.S. Court of Appeals, D.C. Circuit). Instead of a petition under 182(f), transportation conformity $NO_x$ exemptions for ozone nonattainment areas that are subject to section 182(b)(1) now need to be submitted as a SIP revision request. The Chicago ozone nonattainment area is classified as severe and, thus, is subject to section 182(b)(1).

The transportation conformity requirements are found at sections 176(c) (2), (3), and (4). The conformity requirements apply on an areawide basis in all nonattainment and maintenance areas. The USEPA's transportation conformity rule [1] and general conformity rule [2] currently reference the section 182(f) exemption process as a means for exempting any nonattainment area from $NO_x$ conformity requirements. The USEPA intends to amend the transportation conformity rule to instead reference section 182(b)(1) as the means for exempting areas subject to section 182(b)(1) from the transportation conformity $NO_x$ requirements. After the USEPA amends the transportation conformity rule to reference section 182(b)(1) for granting $NO_x$ waivers, the USEPA will take final action on today's proposal.

The June 20, 1995, SIP revision request from Illinois, has been submitted to meet the requirements of a formal SIP revision submittal in accordance with the 182(b)(1) requirements. A public hearing on this SIP revision request was held on July 17, 1995. The Chicago severe ozone nonattainment area includes the Counties of Cook, DuPage, Grundy (Aux Sable and Gooselake Townships), Kane, Kendall (Oswego Township), Lake, McHenry, and Will.

Section 182(b)(1) requires submittal of a plan revision that provides for reasonable further progress (RFP) reductions for moderate and above ozone nonattainment areas. The plan must provide for specific annual reductions in emissions of VOCs and $NO_x$ as necessary to attain the national primary ambient air quality standard for ozone by the attainment date applicable under the Act. Further, the requirement shall not apply in the case of $NO_x$ for those areas for which the Administrator determines that additional reductions of $NO_x$ would not contribute to attainment. In evaluating the 182(b) SIP revision request, the USEPA considered whether additional $NO_x$ reductions would contribute to attainment of the standard in the Chicago area and also in the downwind areas of the LMOS modeling domain.

As outlined in relevant USEPA guidance, the use of photochemical grid modeling is the recommended approach for testing the contribution of $NO_x$ emission reductions to attainment of the ozone standard. This approach simulates conditions over the modeling domain that may be expected at the attainment deadline for three emission reduction scenarios: (1) Substantial VOC reductions, (2) substantial $NO_x$ reductions, and (3) both VOC and $NO_x$ reductions. If the areawide predicted maximum one-hour ozone concentration for each day modeled under scenario (1) is less than or equal to those from scenarios (2) and (3) for the corresponding days, the test is passed and the section 182(f) $NO_x$ emissions reduction requirements would not apply.

In making this determination under section 182(b)(1) that the $NO_x$ requirements do not apply, or may be limited in the Lake Michigan area, the USEPA has considered the national study of ozone precursors completed pursuant to section 185B of the Act. The USEPA has based its decision on the demonstration and the supporting information provided in the SIP revision request.

## II. Summary of Submittal

On June 20, 1995, the State of Illinois submitted as a revision to the SIP, a request for a waiver from the transportation conformity $NO_x$ requirements. The submittal included the LMOS UAM modeling for the attainment demonstration for 3 ozone episodes during 1991. The modeling supported the request by documenting that $NO_x$ reductions in the Chicago nonattainment area would not contribute to attainment and, in fact, would be detrimental to the goal of reaching attainment. The Illinois Environmental Protection Agency (IEPA) discussed the $NO_x$ waiver in the context of the public hearing on the attainment demonstration held on December 21, 1994. To assure that the public was fully informed and given appropriate opportunity for comment, the IEPA committed to hold a further hearing specifically to address the section 182(b)(1) transportation conformity waiver. This public hearing was held on July 17, 1995.

Pursuant to 40 CFR part 93, subpart A, 40 CFR part 51, subpart T, the SIP revision request seeks an exemption from the transportation conformity requirements for $NO_x$ in the Chicago ozone nonattainment area. The States' have utilized the UAM to demonstrate that reductions in $NO_x$ in the LMOS modeling domain will not contribute to attainment of the standard. To conduct the modeling analysis, the following steps were followed: (a) Emissions were projected to 1996 (the deadline for implementation of the 15 percent reasonable further progress reduction) and 2007 (the attainment deadline for the severe nonattainment areas) from the 1990 base year, (b) it was assumed that a 40 percent VOC emission reduction beyond that achieved as a result of emission controls mandated by the Act would be necessary to attain the ozone standard in the LMOS modeling domain, (c) a 40 percent $NO_x$ emission reduction in grid B (that portion of the LMOS modeling domain that is essentially composed of the ozone nonattainment areas within the modeling domain) beyond the projected emission levels was assumed for all

[1] ''Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved under Title 23 U.S.C. of the Federal Transit Act'' November 24, 1993 (58 FR 62188).

[2] ''Determining Conformity of General Federal Actions to State or Federal Implementation Plans; Final Rule'' November 30, 1993 (58 FR 63214).

anthropogenic $NO_x$ emissions, (d) a 40 percent VOC emission reduction and a 40 percent $NO_x$ reduction in grid B beyond projected emission levels were assumed for all anthropogenic VOC and $NO_x$ emissions and (e), the ozone modeling results for (b), (c), and (d) were compared considering the modeled domain-wide peak ozone concentrations and temporal and spatial extent of modeled ozone concentrations above 120 parts per billion (ppb).

For all modeled days using 1996 and 2007 conditions, domain-wide peak ozone concentrations for ''VOC-only'' controls were found to be lower than or equal to those for ''$NO_x$-only'' controls or those for ''VOC plus $NO_x$'' controls. In addition, consideration of daily peak ozone isopleth maps (these maps are included in the documentation of the section 182(b) SIP revision request) shows that the ''VOC-only'' control scenario leads to the smallest areas with predicted peak ozone concentrations exceeding 120 ppb.

Additional sensitivity tests were conducted for a 40 percent $NO_x$ emission reduction that was applied only to point sources in Grid B for episode 2 and 1996 conditions for both an assumed $NO_x$ reduction alone and a 40 percent reduction in both VOCs and $NO_x$. These sensitivity tests compared to the scenarios with across the board anthropogenic $NO_x$ reductions demonstrated that control of ground level $NO_x$ sources (such as transportation sources) did not contribute to attainment of the standard and in fact increased the domain wide peak ozone concentrations exceeding 120 ppb and the number of hours that exceeded 120 ppb. This result was more pronounced than with the point source only $NO_x$ control.

### III. Analysis of Submittal

Review of the modeling results show a very definite directional signal indicating that application of $NO_x$ controls in the Chicago ozone nonattainment area would exacerbate peak ozone concentrations not only in the Chicago area but also in the LMOS modeling domain. The LMOS modeling domain includes northern Indiana, western Michigan and eastern Wisconsin. The States and LADCo have now completed the validation process for the UAM modeling system to be used in the demonstration of attainment for the LMOS modeling domain. Therefore, documentation supporting the validity of the modeling results has been submitted with the SIP revision request.

It is noted that the use of simple, area-wide emission projection factors raises some uncertainty in the modeling results for 1996 and 2007. Some changes in modeling results may be expected if area-specific and source category-specific projection factors are used instead of the average factors used in these analyses. These more detailed projection factors will be used in the final demonstration of attainment for the LMOS domain. These changes, however, are not expected to reverse the directional signal of the modeling done to date. Concluding that $NO_x$ reductions will not contribute to attainment in Chicago and throughout the LMOS domain.

Although ozone concentrations modeled further downwind from the urban source areas increase as a result of increased $NO_x$ point source emissions, this is not the case with the ground level $NO_x$ sources. LADCo and the States view the potential increase in outflow ozone concentrations with increasing $NO_x$ point source emissions to be marginal. More importantly, the SIP revision request demonstrates that additional reductions in $NO_x$ would not contribute to attainment of the ozone standard in the LMOS domain. These results are believed to be consistent with USEPA's section 185B report to Congress.

Therefore, based on its conformance with USEPA guidance, the USEPA believes the State of Illinois' demonstration is adequate, and thus is approving the transportation conformity waiver request. It is noted by LADCo, however, that subsequent modeling analyses may lead to an ozone attainment plan which includes, for specified portions of the LMOS domain only, both $NO_x$ and VOC emission controls. The modeling indicates that these $NO_x$ emission controls will most likely be limited to rural areas, but would not be required in the Chicago nonattainment area and will also not likely be applied to ground level sources.

Monitoring data such as concentrations of non-methane hydrocarbons and $NO_x$ and derived/monitored ozone production potentials of air parcels, collected for the urban source areas during the 1991 field study support the approval of the $NO_x$ waiver. It is noted, however, that the primary basis for the approval of the $NO_x$ waiver is the modeling results submitted in support of the waiver. The 1991 field data by themselves may not be an adequate support for the waiver since these data are limited in nature and do not present a complete picture of the impacts of $NO_x$ controls on LMOS modeling domain peak ozone concentrations.

VOC and $NO_x$ emission reductions were found to produce different impacts spatially. In and downwind of major urban areas, within the ozone nonattainment areas, VOC reductions were effective in lowering peak ozone concentrations, while $NO_x$ emission reductions resulted in increased peak ozone concentrations. Farther downwind, within attainment areas, VOC emissions reductions became less effective for reducing ozone concentrations, while $NO_x$ emission reductions were effective in lowering ozone concentrations. It must be noted, however, that the magnitude of ozone decreases farther downwind due to $NO_x$ emission reductions was less than the magnitude of ozone increases in the ozone nonattainment areas as a result of the same $NO_x$ emission reductions.

Analyses of ambient data by LMOS contractors provided results which corroborated the modeling results. These analyses identified areas of VOC- and $NO_x$-limited conditions (VOC-limited conditions would imply a greater sensitivity of ozone concentrations to changes in VOC emissions; the reverse would be true for $NO_x$-limited conditions) and tracked the ozone and ozone precursor concentrations in the urban plumes as they moved downwind. The analyses indicated VOC-limited conditions in the Chicago/Northwest Indiana and Milwaukee areas and $NO_x$-limited conditions further downwind. These results imply that VOC controls in the Chicago/Northwest Indiana and Milwaukee areas would be more effective at reducing peak ozone concentrations within the severe ozone nonattainment areas.

The consistency between the modeling results and the ambient data analysis results for all episodes with joint data supports the view that the UAM modeling system developed in the LMOS may be used to investigate the relative merits of VOC versus $NO_x$ emission controls. The UAM-V results for all modeled episodes point to the benefits of VOC controls versus $NO_x$ controls in reducing the modeled domain peak ozone concentrations.

For a more detailed analysis of the modeling analysis results, please see the August 22, 1994 ''Technical Review of a Four State Request for a Section 182(f) Exemption from Oxides of Nitrogen ($NO_x$) Reasonably Available Control Technology (RACT) and New Source Review (NSR) Requirements'' memorandum contained in the docket for this action.

The USEPA believes LADCo's UAM application has adequately met the requirement to demonstrate that $NO_x$

controls within the Chicago ozone nonattainment area and throughout the LMOS domain will not contribute, but instead will interfere with attainment of the ozone standard.

### IV. Proposed Rulemaking Action and Solicitation of Comments

Based on the submittal accompanying the State's SIP revision request, the USEPA proposes to approve Illinois' request for an exemption from the transportation conformity requirement to provide annual reductions in $NO_x$ emissions as necessary to reach attainment, for the Chicago ozone nonattainment area.

Public comments are solicited on the requested SIP revision and on USEPA's proposed rulemaking action. Comments received by September 15, 1995, will be considered in the development of USEPA's final rule.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This approval does not create any new requirements. Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA*, 427 U.S. 246, 256–66 (1976).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the USEPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, the USEPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The USEPA has determined that this action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

This Federal action will relieve requirements otherwise imposed under the Act, and hence does not impose any federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Conformity, Intergovernmental relations, Oxides of nitrogen, Ozone, Transportation conformity.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: August 4, 1995.

**Corinne S. Wellish,**

*Acting Regional Administrator.*

[FR Doc. 95–20253 Filed 8–15–95; 8:45 am]

BILLING CODE 6560–50–P

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## 40 CFR Part 180

**[PP 6F3436/P624; FRL 4968–8]**

**RIN 2070–AC18**

## Tralomethrin; Pesticide Tolerances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes that time-limited tolerances be established with an expiration date of November 15, 1997, for the combined residues of the insecticide tralomethrin and its metabolites *cis*-deltamethrin and *trans*-deltamethrin in or on the raw agricultural commodities (RACs) leaf lettuce, head lettuce, broccoli, and sunflowers. The proposed tolerances would establish the maximum permissible levels for residues of the insecticide in or on the commodities. The AgrEvo USA Co. requested these tolerances pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA).

**DATES:** Comments identified by the docket number, [PP 6F3436/P624], must be received on or before September 15, 1995.

**ADDRESSES** Submit written comments by mail to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Public Docket, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures as set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the above address, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [PP 6F3436/P624]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT** By mail: George T. LaRocca, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection